

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Melissa Bennett, Administrator
of the Estate of Scott Anthony Coldren,

Plaintiff,

Civil Action No. 2:20-cv-03193
Judge James L. Graham
Magistrate Judge Chelsey M. Vascura

George W. Lavender, Jr., *et al.*,

Defendants.

RULE 26(f) REPORT

Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held on August 26, 2020 and was attended by:

M. Shawn Dingus, counsel for plaintiff(s) Melissa Bennett,

Daniel T. Downey, counsel for defendant(s) George W. Lavender, Jr.,

Angelica M. Jarmusz, counsel for defendant(s) George W. Lavender, Jr.,

Counsel represent that, during the meeting, they engaged in a meaningful attempt to meet and confer on the matters outlined below.

1. CONSENT TO MAGISTRATE JUDGE

Do the parties consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c)?

 Yes X No

2. INITIAL DISCLOSURES

Have the parties agreed to make initial disclosures?

X Yes No The proceeding is exempt under Rule 26(a)(1)(B)

If yes, such initial disclosures shall be made by September 10, 2020.



3. VENUE AND JURISDICTION

Are there any contested issues related to venue or jurisdiction?

☐ Yes ☒ No

If yes, describe the issue:

If yes, the parties agree that any motion related to venue or jurisdiction shall be filed by N/A.

4. PARTIES AND PLEADINGS

- a. The parties agree that any motion or stipulation to amend the pleadings or to join additional parties shall be filed by October 12, 2020.
- b. If the case is a class action, the parties agree that the motion for class certification shall be filed by N/A.

5. MOTIONS

- a. Are there any pending motion(s)?

☐ Yes ☒ No

If yes, indicate which party filed the motion(s), and identify the motion(s) by name and docket number:

- b. Are the parties requesting expedited briefing on the pending motion(s)?

☐ Yes ☒ No

If yes, identify the proposed expedited schedule:

Opposition to be filed by _____; Reply brief to be filed by _____.

6. ISSUES

Jointly provide a brief description of case, including causes of action set forth in the complaint, and indicate whether there is a jury demand:

Plaintiff brings a civil rights action, under 28 U.S.C. §1983, alleging violations of the Eighth and Fourteenth Amendments for deliberate indifference to the decedent's medical needs and failure to train and supervise. Plaintiff also brings a state law claim for wrongful death. A jury demand has been made.

7. DISCOVERY PROCEDURES

- a. The parties agree that all discovery shall be completed by September 30, 2021. The parties to schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and to file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If the parties are unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court. To initiate a telephone conference, counsel are directed to join together on one line and then call the Magistrate Judge's chambers or provide the Court with a call-in number.

- b. Do the parties anticipate the production of ESI? X Yes _____ No

If yes, describe the protocol for such production: The materials will be produced in their original format, to the extent possible.

- c. Do the parties intend to seek a protective order or clawback agreement?

If yes, such order or agreement shall be produced to the Court by _____.

8. DISPOSITIVE MOTIONS

- a. Any dispositive motions shall be filed by November 1, 2021.

- b. Are the parties requesting expedited briefing on dispositive motions?

_____ Yes X No

If yes, identify the proposed expedited schedule:

Opposition to be filed by _____; Reply brief to be filed by _____.

9. EXPERT TESTIMONY

- a. Plaintiff's expert reports must be produced by July 30, 2021.

- b. Defendants' expert reports must be produced by August 31, 2021.

10. SETTLEMENT

Plaintiff(s) will make a settlement demand by October 19, 2020. Defendant will respond by November 20, 2020. The parties agree to make a good faith effort to settle this case. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference. The Court refers cases to settlement throughout the year. The parties request the following month and year: December 2020

In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the settlement conference. The parties understand that they will be expected to comply fully with the settlement conference orders which require, *inter alia*, that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

11. RULE 16 PRETRIAL CONFERENCE

Do the parties request a scheduling conference?

X Yes, the parties would like a conference with the Court prior to it issuing a scheduling order. The parties request that the conference take place _____ in chambers X by telephone.

_____ No, a conference is not necessary; the Court may issue a scheduling order after considering this Report.

12. OTHER MATTERS

Indicate any other matters for the Court's consideration:

The parties agree to a June 30, 2021 fact discovery deadline to ensure all materials needed by experts are received in time for Plaintiff's July 30, 2021 expert report deadline. Expert discovery, including expert depositions, will be completed by September 30, 2021. The parties further agree that a standard track is appropriate with no need to exceed the limitations imposed by Fed. R. Civ. P. 30.

Plaintiff's counsel will provide quarterly fee statements to defense counsel.

Signatures:

Attorney for Plaintiff(s)

Attorney for Defendant(s)

M. Shawn Dingus
Counsel for Plaintiff
Bar # (0070201)

Daniel T. Downey
Counsel for Defendant George W. Lavender, Jr.
Bar # (0063753)

Angelica M. Jarmusz
Counsel for Defendant George W. Lavender, Jr.

Date: August 27, 2020